



Senate

General Assembly

File No. 58

January Session, 2013

Substitute Senate Bill No. 431

Senate, March 20, 2013

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE SECRETARY OF THE STATE,
PROCLAMATIONS OF A CIVIL PREPAREDNESS EMERGENCY AND
NOTICE OF LEGISLATIVE SESSIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2013*) Whenever the Governor
- 2 has proclaimed a civil preparedness emergency under section 28-9 or
- 3 28-9a of the general statutes or the President of the United States has
- 4 declared an emergency or a major disaster to exist in the state, the
- 5 Secretary of the State shall, upon the request of all registrars of voters
- 6 of a municipality holding an election, primary or referendum
- 7 following such proclamation or declaration, have legal standing to
- 8 apply on behalf of such municipality to the superior court for the
- 9 judicial district of Hartford for an order postponing or relocating such
- 10 election, primary or referendum, or granting such other relief as
- 11 appropriate to ensure the orderly execution of such election, primary
- 12 or referendum. Any such application shall be brought by the Attorney
- 13 General. For purposes of this section, "emergency" and "major disaster"

14 have the same meanings as provided in section 28-1 of the general
15 statutes.

16 Sec. 2. Section 28-9 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective from passage*):

18 (a) In the event of serious disaster, enemy attack, sabotage or other
19 hostile action or in the event of the imminence thereof, the Governor
20 may proclaim that a state of civil preparedness emergency exists, in
21 which event the Governor may personally take direct operational
22 control of any or all parts of the civil preparedness forces and functions
23 in the state. Any such proclamation shall be effective upon filing with
24 the Secretary of the State. Any such proclamation, or order issued
25 pursuant thereto, issued by the Governor because of a disaster
26 resulting from man-made cause may be disapproved by majority vote
27 of a joint legislative committee consisting of the president pro tempore
28 of the Senate, the speaker of the House of Representatives and the
29 majority and minority leaders of both houses of the General Assembly,
30 provided at least one of the minority leaders votes for such
31 disapproval. Such disapproval shall not be effective unless filed with
32 the Secretary of the State not later than seventy-two hours after the
33 filing of the Governor's proclamation with the Secretary of the State.
34 As soon as possible after such proclamation, if the General Assembly is
35 not then in session, the Governor shall meet with the president pro
36 tempore of the Senate, the speaker of the House of Representatives,
37 and the majority and minority leaders of both houses of the General
38 Assembly and shall confer with them on the advisability of calling a
39 special session of the General Assembly.

40 (b) Upon such proclamation, the following provisions of this section
41 and the provisions of section 28-11 shall immediately become effective
42 and shall continue in effect until the Governor proclaims the end of the
43 civil preparedness emergency:

44 (1) Following the Governor's proclamation of a civil preparedness
45 emergency pursuant to subsection (a) of this section or declaration of a
46 public health emergency pursuant to section 19a-131a, the Governor

47 may modify or suspend in whole or in part, by order as hereinafter
48 provided, any statute, regulation or requirement or part thereof
49 whenever the Governor finds such statute, regulation or requirement,
50 or part thereof, is in conflict with the efficient and expeditious
51 execution of civil preparedness functions or the protection of the
52 public health. The Governor shall specify in such order the reason or
53 reasons therefor and any statute, regulation or requirement or part
54 thereof to be modified or suspended and the period, not exceeding six
55 months unless sooner revoked, during which such order shall be
56 enforced. Any such order shall have the full force and effect of law
57 upon the filing of the full text of such order in the office of the
58 Secretary of the State. The Secretary of the State shall [, not later than
59 four days after receipt of the order,] cause such order to be [printed
60 and published in full in at least one issue of a newspaper published in
61 each county and having general circulation therein] forthwith posted
62 electronically on the secretary's Internet web site and printed in the
63 Connecticut Law Journal, but failure to [publish] post or print such
64 order shall not impair the validity of such order. Any statute,
65 regulation or requirement, or part thereof, inconsistent with such order
66 shall be inoperative for the effective period of such order. Any such
67 order shall be communicated by the Governor at the earliest date to
68 both houses of the General Assembly.

69 (2) The Governor may order into action all or any part of the
70 department or local or joint organizations for civil preparedness
71 mobile support units or any other civil preparedness forces.

72 (3) The Governor shall order and enforce such blackouts and radio
73 silences as are authorized by the United States Army or its duly
74 designated agency and may take any other precautionary measures
75 reasonably necessary in the light of the emergency.

76 (4) The Governor may designate such vehicles and persons as shall
77 be permitted to move and the routes which they shall follow.

78 (5) The Governor shall take appropriate measures for protecting the
79 health and safety of inmates of state institutions and children in

80 schools.

81 (6) The Governor may order the evacuation of all or part of the
82 population of stricken or threatened areas and may take such steps as
83 are necessary for the receipt and care of such evacuees.

84 (7) The Governor may take such other steps as are reasonably
85 necessary in the light of the emergency to protect the health, safety and
86 welfare of the people of the state, to prevent or minimize loss or
87 destruction of property and to minimize the effects of hostile action.

88 (8) In order to insure the automatic and effective operation of civil
89 preparedness in the event of enemy attack, sabotage or other hostile
90 action, or in the event of the imminence thereof, the Governor may, at
91 the Governor's discretion, at any time prior to actual development of
92 such conditions, issue such proclamations and executive orders as the
93 Governor deems necessary, such proclamations and orders to become
94 effective only under such conditions.

95 Sec. 3. Section 2-7 of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective from passage*):

97 (a) Whenever the Governor, the members of the General Assembly
98 or the president pro tempore of the Senate and the speaker of the
99 House of Representatives call a special session of the General
100 Assembly, the Secretary of the State shall give notice thereof by
101 [mailing] delivering a true copy of the call of such special session [by
102 first class mail, evidenced by a certificate of mailing,] to each member
103 of the House of Representatives and of the Senate at his or her address
104 [as it appears upon the records of said secretary] at the State Capitol or
105 Legislative Office Building not less than ten nor more than fifteen days
106 prior to the date of convening of such special session. [or by causing a
107 true copy of the call to be delivered to each member by a state marshal,
108 constable, state policeman or indifferent person at least twenty-four
109 hours prior to the time of convening of such special session.]

110 (b) Whenever the Secretary of the State is required to reconvene the

111 General Assembly pursuant to article third of the amendments to the
 112 Constitution of Connecticut, said secretary shall give notice thereof by
 113 [mailing] delivering a true copy of the call of such reconvened session
 114 [, by first class mail, evidenced by a certificate of mailing,] to each
 115 member of the House of Representatives and of the Senate at his or her
 116 address [as it appears upon the records of said secretary] at the State
 117 Capitol or Legislative Office Building not less than five days prior to
 118 the date of convening of such reconvened session. [or by causing a true
 119 copy of the call to be delivered to each member by a state marshal,
 120 constable, state policeman or indifferent person at least twenty-four
 121 hours prior to the time of convening of such reconvened session.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>from passage</i>	28-9
Sec. 3	<i>from passage</i>	2-7

Statement of Legislative Commissioners:

The provisions of section 1 were rephrased for accuracy and statutory consistency.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Secretary of the State	GF - Savings	See Below	See Below
Emergency Services and Public Protection, Dept. of	GF - Potential Savings	\$5,000 - \$10,000 per occurrence	\$5,000 - \$10,000 per occurrence

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	Potential Savings	See Below	See Below

Explanation

Section 1 of the bill allows the Secretary of the State (SOTS), at the request of a municipality, to go to court on behalf of that municipality to reschedule or move an election during a state of emergency. There is no impact to SOTS associated with the bill as the Office of the Attorney General represents state agencies on legal issues.

Municipalities seeking to reschedule or move an election after a state of emergency declaration may realize a savings associated with reduced legal fees should they request SOTS to go to court on their behalf. For example, the Town of Farmington incurred a cost of approximately \$3,400 in attorney fees in attempting to postpone its November 2011 municipal election after the late October 2011 snow storm and subsequent state of emergency declaration.

Section 2 of the bill allows the SOTS to post on its internet site and in the Connecticut Law Journal any order by the Governor modifying

a state statute, regulation, or requirement in the event of a disaster. Currently, such orders must be advertised in a newspaper with general circulation in each county. There is a fiscal savings to the SOTS of less than \$500 per occurrence resulting from the elimination of the requirement to post newspaper notices.

Section 3 of the bill allows the SOTS to deliver notice of a special or reconvened session to the Capitol complex office of members of the House of Representatives and Senate. Currently, such notices are delivered by either first class mail or in-person to the address on record with the SOTS. There is a fiscal savings to the SOTS of less than \$110 for mailed notices, arising from postage and certificate of mailing, and potential savings of \$5,000 to \$10,000 to the Department of Emergency Services and Public Protection for in-person deliveries arising from state police overtime costs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 431*****AN ACT CONCERNING THE SECRETARY OF THE STATE,
PROCLAMATIONS OF A CIVIL PREPAREDNESS EMERGENCY
AND NOTICE OF LEGISLATIVE SESSIONS.*****SUMMARY:**

Generally, this bill:

1. gives the secretary of the state authority to seek court intervention during a civil emergency or disaster on behalf of a municipality holding a primary, election, or referendum;
2. eliminates the requirement that the secretary publish certain gubernatorial orders in newspapers, instead requiring her to post them on her office's website and print them in the *Connecticut Law Journal*;
3. eliminates the requirement that the secretary notify legislators of special or reconvened sessions by sending a copy of the session call to their home address or having it delivered to them in person, instead requiring her to deliver the copy to their capitol complex offices;
4. eliminates provisions allowing notices of special and reconvened sessions to be delivered to legislators up to 24 hours before the session.

EFFECTIVE DATE: Upon passage for publishing gubernatorial orders and legislative session notices; October 1, 2013 for the secretary's authority to intervene.

INTERVENING IN A PRIMARY, ELECTION, OR REFERENDUM

Following a declaration of a civil preparedness emergency by the

governor, or emergency or major disaster by the president, the bill gives the secretary of the state standing to seek court intervention on behalf of a municipality that (1) is holding an election, primary, or referendum and (2) requests it. The request must be made by all registrars of voters.

The bill specifies that the attorney general must bring the action in Superior Court for the judicial district of Hartford and that the intervention may include postponing or relocating the election, or any other action required for its orderly execution.

By law and under the bill, “major disaster” means a catastrophe including, a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, a fire, flood, explosion, or manmade disaster in the state that causes enough damage to warrant federal major disaster assistance, as determined by the president, to supplement the efforts and resources of the state, local governments, and disaster relief organizations in alleviating damage, loss, hardship, or suffering.

“Emergency” means an occasion or instance for which federal assistance is needed, as determined by the president, to supplement state and local efforts and capabilities to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe in any part of the state.

GOVERNORIAL ORDERS CONCERNING CIVIL PREPAREDNESS OR PUBLIC HEALTH EMERGENCIES

After the governor issues a civil preparedness or public health emergency proclamation, the law allows him to modify or suspend, in whole or in part, any statute, regulation, or requirement he finds conflicts with actions necessary to efficiently address the situation. The order has the full force and effect of law upon its filing with the secretary of the state.

Currently the secretary must publish the order, within four days

after receiving it, in at least one issue of a general circulation newspaper in each county. The bill instead requires her to immediately post the order on her office's Internet website and also print it in the *Connecticut Law Journal*.

NOTICES OF SPECIAL AND RECONVENED SESSIONS

The bill eliminates the requirement that the secretary of the state notify General Assembly members of special and reconvened sessions either by (1) sending a copy of the session call, via first class certified mail, to their home addresses or (2) having a copy delivered to them in person by a state marshal, constable, state policeman, or indifferent person. Instead, it requires her to deliver a copy of the call to members' Capitol or Legislative Office Building offices.

Currently, the secretary must notify members between 10 and 15 days before a special session and at least five days before a reconvened session, with the following exception: she can provide notice up to 24 hours beforehand by having a copy of the call delivered to members in person. The bill eliminates her ability to notify members up to 24 hours beforehand, but retains the other deadlines.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/04/2013)